



Permanent Mission of the Republic of Kenya  
To the United Nations  
Security Council - 2021-2022

**BRIEFING ON INVESTIGATIVE TEAM TO PROMOTE ACCOUNTABILITY FOR  
CRIMES COMMITTED BY DA'ESH/ISIL (UNITAD)  
MONDAY 10<sup>TH</sup> MAY 2021 (1000 HOURS)**

**STATEMENT BY AMB. MARTIN KIMANI, PERMANENT REPRESENTATIVE**

- 1. Thank you, Mr. President.** On behalf of Kenya's delegation, I congratulate Karim Khan on his election as the Prosecutor of the International Criminal Court.
- Kenya thanks the Special Adviser for his briefing and welcomes the progress the Investigative Team has made as reflected in its **sixth Report. We also welcome briefing by Ms. Nadia Murad.**
- Acts of terrorism committed whether by Da'esh/ISIL and its affiliates, or by any other terrorist group, must be met with the full force of the law. The survivors, their families, communities, and the world at large, expect the perpetrators to be held legally accountable as a minimum requirement for justice to be done.
- We urge the International Community to recall that ISIL's monumental crimes went beyond those aimed at individuals and rose to the level of genocide.
- As the Independent International Commission of Inquiry on Syria found, ISIL undertook a genocidal campaign against the Yazidi community and people. It also documented the extensive use of gender-based and sexual violence, and other atrocities and crimes against humanity.
- For those countries that have pledged to combat genocide whether ongoing or in the past, holding ISIL and its members accountable is critical. The same holds for those who have determined gender and sexual violence must be prosecuted to the full extent possible in law.

7. I therefore reiterate Kenya's unequivocal support for the prosecution of members of ISIL, not only for their core terrorist acts, but also for related crimes including war crimes, crimes against humanity and genocide.
8. It is critical that as we point out the past crimes of ISIL that we do not lose sight of the unfortunate fact that its ideas, ideals and aims are still being perpetrated. In multiple countries and continents, ISIL's affiliates, and those of its parent group, Al Qaeda, are waging war against the innocent.
9. The crimes ISIL committed are being copied elsewhere. For instance, in multiple countries in Africa. Kenya strongly urges this Council, and the International Community, to once again stand tall against terrorism.
10. The fight against terrorist groups has been long and costly, but to relent is to give them the opportunity to recover their momentum and confidence.
11. **Mr President.** Returning to the briefing at hand. Kenya takes note of the improved cooperation and close collaboration between the Team and the relevant authorities of the Government of Iraq.
12. This collaboration and partnership has facilitated progress including in the implementation of the joint strategy on the excavation of mass grave-sites in Kojo village and Badush prison. It has also led to collection of additional evidence of rape, enslavement and other atrocities against members of the Christian community by ISIL.
13. Kenya commends the Iraqi authorities for formulating appropriate legislation and establishing a specialised tribunal that will enable the prosecution of ISIL/Da'esh suspects for international crimes. The support given to this initiative by the Investigative Team in line with resolution 2379 is appreciated.
14. **Mr. President.** Enhancing capacity building and funding to law enforcement agencies is a critical element for the success of counterterrorism measures. Kenya welcomes the conclusion of the agreement for training by UNITAD to enable Iraqi investigative judges to develop strong case files that meet the requisite evidentiary threshold for prosecution and conviction.
15. Kenya is encouraged by continued integration of advanced technological tools in the work of the Team.
16. The responsible use of such technology can help build strong case-briefs. It can also help protect the mental health of the members of the Investigative Team.

- 17. Mr. President.** Kenya commends UNITAD for preparing and making its Standard Operating Procedures publicly available on its website. This will be an important resource to national, regional and other practitioners in such areas as conduct of interviews with children and survivors of sexual and gender-based violence. We encourage additional ways of sharing of information and best practices.
- 18. In conclusion,** I wish to reiterate Kenya's support for the difficult work of UNITAD even within the context of the COVID-19 pandemic and budgetary constraint. We caution against budgetary cuts and call for increased and urgent funding in order for UNITAD to effectively fulfil its mandate.
- 19. Questions:** How secure is the technology being employed by the Information Systems Unit, in terms of safeguarding prosecutorial independence and attorney-client privilege? And will its clear benefits during investigation run into evidentiary problems in terms of admissibility?

**I thank you**